

REMARKS

In the Office Action dated January 30, 2004, pending Claims 1-27 were rejected and the rejection made final. In response Applicants have filed herewith a Request for Continued Examination and have amended the claims as discussed below.

Reconsideration of the claims as amended is respectfully requested.

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. On April 28, 2004, Applicants and Applicants' counsel conducted a telephone interview with the Examiner in which applied reference Ross was discussed in view of the claims. It was agreed that in view of the amendments made to the claims herein, the claims appeared to be allowable over the references of record.

Claims 1-27 were pending in the instant application at the time of the outstanding Office Action. Independent Claims 1, 14 and 27 have been rewritten, *inter alia*, to incorporate the subject matter of either dependent Claims 3 and 16, and as discussed in the interview, to specify that the nearby partitions are in the hashing space. Dependent Claims 3 and 16 have been cancelled without prejudice, dependent Claims 21-24 have been rewritten to remove the dependency from now cancelled Claim 16, the preamble of dependent claim 17 has been rewritten, and dependent Claim 4 has been rewritten in independent form. It should be noted amendments to these claims are not in acquiescence of the Office's position on the allowability of the claims, but are merely to expedite

prosecution, and Applicants intend no change in scope of the claims by the changes made by this amendment.

Claims 1-27 stand rejected under 35 USC § 112, second paragraph, with the Office asserting the phrase “may be” in independent Claims 1, 14, and 27 renders these independent claims indefinite. While Applicants do not agree with the position of the Office, these claims have been rewritten to replace the phrase “may be” with –is capable of being–. It is respectfully submitted this rejection has thus been obviated.

Claims 1-2, 5-7, 14-15, 18-20 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Gupta et al. (hereafter “Gupta”). Claims 1-3, 14-16, and 27 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Ross. Claims 3, 8-11, 16 and 21-24 stand rejected under 35 U.S.C. § 103(a) as being obvious over Gupta et al. in view of Ross. Reconsideration and withdrawal of these rejections is hereby respectfully requested.

As rewritten, Independent Claims 1, 14, and 27, all recite that the nearby partitions are located “in the hashing space”. It is respectfully submitted that, at a minimum, neither Gupta et al. nor Ross disclose or teach this feature. As such, neither Gupta et al. nor Ross anticipate the present invention under 35 U.S.C. 102(a) or (e). Furthermore, while there no motivation in Gupta et al. and Ross to combine the references, actually combining the references would not produce the invention as presently claimed. Accordingly, the present invention is not obvious over Gutpa et al. in view of Ross.

Applicants note that Claims 4, 12, 13, 17, 25 and 26 have previously been indicated by the Office as being allowable if rewritten in independent form. Claim 4 has been rewritten in independent form herein and is presumably allowable. Applicants reserve the right to file new claims of such scope at a later date that would still, at that point, presumably be allowable.

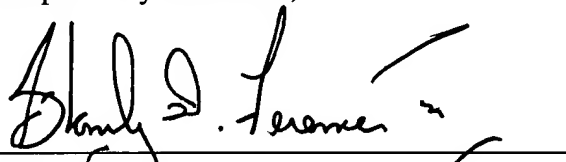
In view of the foregoing, it is respectfully submitted that independent Claims 1, 4, 14 and 27 fully distinguish over the applied art and is thus are in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 4, and 14, it is respectfully submitted that Claims 2, 5-13, 15, and 17-26 are also presently allowable.

In reviewing the file in this matter, Applicant's counsel has noted the communications from the Office do not include initialed copies of the PTO Form 1449's indicating the Examiner has reviewed the references submitted by Applicants in connection with the Information Disclosure Statement and Supplemental Information Disclosure Statement. It is believed these references have been reviewed, however, as the Ross reference used in the rejections was submitted by Applicants in their Information Disclosure Statement. A copy of the Information Disclosure Statement and the Supplement Information Disclosure Statement, together with one copy of each reference cited therein is enclosed. Also enclosed is a copy of the stamp post card receipt acknowledging receipt by the Office of the Supplemental Information Disclosure Statement. It should be noted the Information Disclosure Statement was forwarded to the Office at the time the application was filed.

In summary, it is respectfully submitted that the instant application, including Claims 1-2, 4-15, and 17-27, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Applicants' undersigned attorney would welcome further discussion with the Office in the event there are any further issues in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

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Enclosures